

PART 5204 ADMINISTRATIVE MATTERS

SUBPART 5204.2—CONTRACT DISTRIBUTION

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SUBPART 5204.2—CONTRACT DISTRIBUTION

5204.270 Electronic Data Access.

5204.270-1 Policy.

(b)(1) DON activities shall post a copy of each manually executed procurement instrument (contract, purchase order, delivery order, modification, etc.) within six working days of execution, to the DoD Electronic Data Access (EDA).

SUBPART 5204.6—CONTRACT REPORTING

5204.604 Responsibilities.

(3)(i) No later than 30 days from the end of the quarter, HCAs shall complete quarterly data verification and validation (V&V) in accordance with the data V&V process described in section 4.0 available at <http://www.acq.osd.mil/dpap/pdi/eb/dataimp.html#> and submit quarterly results and certifications to DASN(P) eBusiness Policy and Oversight Division by email at Policy@navy.mil with the subject "DFARS 204.604 - Quarterly Data Verification and Validation."

(ii) By December 1st of each year, HCAs shall submit the required annual certification and data validation results for the preceding fiscal year reported data on contract actions following the instructions and format at <http://www.acq.osd.mil/dpap/pdi/eb/dataimp.html#> to DASN(P) e-Business Policy and Oversight Division by email at Policy@navy.mil with the subject "DFARS 204.604 - Annual Data Verification and Validation."

SUBPART 5204.8—GOVERNMENT CONTRACT FILES

5204.804 Closeout of contract files.

5204.804-1 Closeout by the office administering the contract.

(a)(1) After receiving evidence of receipt of supplies/services for firm-fixed price contracts or task or

delivery orders valued at less than the simplified acquisition threshold, the contracting officer may close the contract, citing NMCARS 5204.804-1(a)(1), as long as there is evidence of final payment or 180 days have elapsed after the final scheduled delivery date.

(S-90) Submit a monthly report in accordance with the ASN(RDA) memorandum entitled "Department of the Navy Contract Closeout Policy" dated April 12, 2019 in the format prescribed in Annex 24 to DASN(P) by email RDAJ&As.fct@navy.mil with the subject "[Activity Name] NMCARS 5204.804-1(S-90) – Monthly Contract Closeout Metric Report" by the 15th of each month.

SUBPART 5204.73-SAFEGUARDING COVERED DEFENSE INFORMATION AND CYBER INCIDENT REPORTING

5204.7303 Procedures.

5204.7303-1 General.

(b) (S-90) As provided in the memorandum titled, "Updated Implementation of the DIB Memo" dated 06 September 2019, the DON recognizes the ongoing efforts within the DOD to protect controlled unclassified information and unclassified networks. In the interim, the contracting officer shall -

(a) Include the contents of Annex 16 in the statements of work of solicitations, contracts and task or delivery orders when notified by the DON Program Manager, Program Executive Officer, or Chief of Naval Research, in coordination with the Resource Sponsor, that the risk to a critical program and/or technology warrants its inclusion.

(b) Consider the DFARS Clause at 252.204-7012, and to the extent its contents are included in statements of work of solicitations, contracts and task or delivery orders, the DIB memo, and Annex 16, to be material requirements.

(c) Consider the right to reduce or suspend progress payments for contractor noncompliance (see Federal Acquisition Regulation (FAR) 32.503-6) or for nonconforming supplies or services (see FAR 46.407).

i. When the contracting officer decides to accept supplies or services with critical or major non-conformances (e.g., failure to comply with a material requirement), the contracting officer shall modify the contract to provide for an equitable price reduction or other consideration.

1. An amount approximating 5% of the contract's value could be considered reasonable based on the risk to the Government for this noncompliance.

2. In situations where an increased risk is identified by the requirements office, the contracting officer should consider an amount equal to this increased risk.

ii. When the contracting officer decides to require correction of nonconformance rather than acceptance, withholding/reduction or suspension of progress payments should be considered if correction is not effected in a timely manner.